IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 15967 of 2004

Between:

M/s Vera Laboratories Limited, G.Chodavaram, Pusapatirega Mandal, Vizianagaram District rep.by its Director, Mr.C.Ramakrishna

..... PETITIONER

AND

1 The Addl.Commissioner (CT) (Legal), Office of the Commissioner of Commercial Taxes,Andhra Pradesh, Hyderabad
2 The Appellate Deputy Commissioner (CT), Visakhapatnam
3 The Commercial Tax Officer, M.G.Road (West), Vizianagaram

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or direction more particularly, one in the nature of Writ of Mandamus declaring the impugned order dated 11-8-2004 passed by the 1st respondent in CCT's Ref.No.L.V.(3)/1464/2003 for the assessment year 2000-01 as illegal, unjustified and contrary to provisions of law.

Counsel for the Petitioner : MR.B.SRINIVAS

Counsel for the Respondents : GP FOR COMMERCIAL TAXES

The Court made the following :

<u>ORAL ORDER</u>: (Per Hon'ble Mr. Justice Bilal Nazki)

Heard the learned counsel for the parties.

There is a dispute with regard to the imposition of penalty and an appeal has been filed by the petitioner before the Tribunal. Pending the appeal, the stay application has been rejected. Hence, the writ petition.

After hearing the learned counsel for the parties, we direct that recovery shall be stayed for a period of six weeks, in the first instance, during which period the petitioner shall deposit 25% of the disputed liability. Stay shall continue till disposal of the appeal, if the amount is deposited within the stipulated period of time. The attachment of accounts shall also stands stayed.

The writ petition is disposed of at the admission stage itself.

_____

Bilal Nazki, J.

Dt. 07..09..2004 _____

S.Ananda Reddy,J.

Note:

Issue wire at party's

Costs. (bo)

Kvh/ksn

Sd/-

REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Addl. Commissioner (CT) (Legal) O/o Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad.

2 The Appellate Deputy Commissioner (CT) Visakhapatnam
3 The Commercial Tax Officer, M.G. Road (West), Vizianagaram

4. 2CCs to G.P. for Commercial Taxes (OUT)

5. 2CD copies

THE HON'BLE Mr. JUSTICE BILAL NAZKI

AND

THE HON'BLE MR. JUSTICE S. ANANDA REDDY

-

-

-

-

-

-

-

-

-

W.P.No. 15967 of 2004

ORAL ORDER

07…09…2004